

**RESOLUTION – PROPOSED PUBLIC SCHOOL PURPOSE – 4228 AVENUE O,
GALVESTON, GALVESTON COUNTY, TEXAS 77550**

**AUTHORITY TO AUTHORIZE NEGOTIATIONS FOR
PURCHASE AND APPROVAL OF RESOLUTIONS FOR
THE INITIATION OF EMINENT DOMAIN PROCEDURES,
IF NECESSARY, FOR THE ACQUISITION OF PROPERTY
FOR PROPOSED PUBLIC SCHOOL PURPOSE, WITH THE
PROPERTIES TO BE UTILIZED FOR A PUBLIC PURPOSE,
NAMELY, FOR GROUNDS FOR PUBLIC SCHOOL
CAMPUS AND FACILITIES OR OTHERWISE PUBLIC
SCHOOL PURPOSES**

WHEREAS, the Galveston Independent School District (“District”) Board of Trustees (“Board”) believes that a public necessity exists to acquire by voluntary purchase or eminent domain procedures fee simple title to the following described real property, together with all and singular, the rights and appurtenances pertaining thereto, for a public purpose, namely, for public school use and school purpose, to serve the public schools and needs of the children enrolled in and/or served by the District, by constructing a public school campus and/or public school facilities and grounds upon property, or otherwise use said real property for District public school purposes, and utilizing an appraisal thereof, the Board instructs the Superintendent of the District, or his designee, to negotiate with the owners of such property to acquire same by voluntary purchase at a price equal to appraised value to be paid them therefore, said property being the land legally described as follows:

One tract of land out of the _____, such tract totaling approximately 0.10 acres, as more particularly described in Special Warranty Deed filed of record in the official public records of Galveston County, Texas under File No. 2021024929 and as further described in the attached Exhibit A, and incorporated herein for all purposes as if the same was laid out herein (the “Property”).

WHEREAS, the Board has determined that the Property’s fee simple title together with all and singular, the rights and appurtenances pertaining thereto should be acquired through the eminent domain procedures if title to the Property cannot be acquired by voluntary purchase through attempts to finalize negotiations with the owner(s).

NOW THEREFORE, BE IT RESOLVED, by the Board that:

1. There is a public necessity for, and the public welfare will be served by, the acquisition of fee simple title, together with all and singular, the rights and appurtenances pertaining to the Property, and that it is the intention of the District to acquire the Property for the public school use and school purpose, to serve the public schools and needs of the children enrolled in and/or served by the District, by constructing a public school campus and/or public school facilities and grounds upon the Property, or otherwise use the Property for District public purposes;

2. The Superintendent of the District, or his designee, is authorized to carry out the procedures of Chapter 21 of the Texas Property Code as follows with respect to the Property:
 - a. Obtain an appraisal of the Property, including damages to the remainder if any, prepared by a certified appraiser;
 - b. Provide an initial offer as required by law, by certified mail, return receipt requested, to the Property owner(s) and any other parties with lawful interest in the Property (the "Owner"), including, but not limited to, providing with the initial offer any and all appraisal reports produced or acquired by the District relating specifically to the owner's property and prepared in the 10 years preceding the date of the offer and the form of the instrument of conveyance;
 - c. Provide the Property Owner the landowner's bill of rights as required by law;
 - d. The District shall make a final offer in writing to the Property Owner at least thirty (30) days following the initial offer as described in this Resolution, consistent with the applicable legal requirements;
 - e. The District shall give the Property Owner fourteen (14) days to respond to the final offer;
3. If the final offer is accepted by the Property Owner the Superintendent of the District, or his designee, is authorized to proceed with the voluntary purchase of the Property at a purchase price equal to the appraised value and upon contractual terms calculated to protect the District; and the Board further determines that it may be necessary for said purchase to include an additional amount for the payment of customary fees, title and closing costs ("Title and Closing Costs"), which expenditure the Board hereby authorizes.
4. If such negotiations for the purchase of the Property are unsuccessful, and the Property Owner does not agree, after fourteen (14) days, to the final offer, then there will exist the necessity for exercising the right of eminent domain to acquire by condemnation fee simple title, together with all and singular, the rights and appurtenances pertaining to the Property for public school use and school purpose, to serve the public schools and needs of the children enrolled in and/or served by the District, by constructing a public school campus and/or public school facilities and grounds upon the Property, or otherwise use the Property for District public purposes and the Superintendent of the District, or his designee, through the District's appointed attorneys and agents is authorized to institute proceedings in eminent domain against such Owner, and other necessary parties, in order to acquire the unencumbered fee simple interest to the Property together with all and singular, the rights and appurtenances pertaining to the Property and to pay all court costs and Special Commissioner's Fees (the "Court Costs") as necessary in connection therewith;

5. That the Superintendent of the District, or his designee, be and is hereby authorized to execute on behalf of the District, all documents necessary to acquire the Property described herein, whether under negotiated voluntary purchase or through eminent domain proceedings.
6. The acquisition of the Property, whether under negotiated voluntary purchase or through eminent domain proceedings purchase, may also include an additional amount for the payment of relocation assistance payments calculated in accordance with Texas Property Code § 21.046 (the “Relocation Costs”), and the Board hereby authorizes the payment of such Relocation Costs.
7. That the total amount of the appraised value of the Property, any Title and Closing Costs, Court Costs as necessary, and Relocation Costs, be appropriated and set aside from the available funds of the School District, for acquiring the Property.
8. That this resolution shall take effect immediately from and after its passage.

Passed and approved this ___ day of _____, 2022.

Galveston Independent School District

By: _____
President
Board of Trustees

Attest:

By: _____
Secretary

Exhibit A

Property Description:

A TRACT OF LAND BEING THE SOUTH EIGHTY-FIVE (85) FEET OF LOT FOURTEEN (14) AND THE SOUTH EIGHTY-FIVE (85) FEET OF THE WEST SEVEN (7) FEET OF LOT THIRTEEN (13), IN THE SOUTHWEST BLOCK (SW/4) OF OUTLOT 33, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, BEING A PORTION OF THE TRACT OF LAND CONVEYED TO SIDNEY R. KAY AND WIFE, SHIRLEY KAY, RECORDED IN VOLUME 699, PAGE 635, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, SAID TRACT OF LAND CONTAINING 0.098 ACRE (4,250 SQUARE FEET) OF LAND AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH DIAMETER STEEL REINFORCEMENT BAR (1" IR) FOUND FOR THE SOUTHWEST CORNER OF THE SW/4 OF OUTLOT 33,

THENCE N 18 DEG 50' W ALONG THE COMMON LINE OF SW/4 OF OUTLOT 33 AND THE EAST LINE OF 43RD STREET (80 FOOT WIDTH), 85.00 FEET TO A FOUND 1" STEEL PIPE (1" IP),

THENCE N 71 DEG 10' E, AT 43.00 FEET PASS THE COMMON LINE OF LOTS 13 AND 14, IN ALL 50.00 FEET TO A FOUND 1" IP;

THENCE S 18 DEG 50' E, 85.00 FEET TO A POINT IN CONCRETE AT THE BASE OF A CHAIN LINK FENCE POST, BEING IN THE NORTH LINE OF AVENUE O (80 FOOT WIDTH),

THENCE S 71 DEG 10' W ALONG AVENUE O, AT 7.00 FEET PASS THE COMMON LINE OF LOTS 13 AND 14, IN ALL 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.098 ACRE (4,250 SQUARE FEET) OF LAND.